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SIPDIS

FOR EUR/CE PIERANGELO AND EUR/SCE SHIRATORI

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TAGS: [PREL](#) [UN](#) [UNGA](#) [KV](#) [PL](#)
SUBJECT: POLAND TO ABSTAIN ON KOSOVO ICJ RESOLUTION

REF: STATE 105796

Classified By: DCM Quanrud; Reasons 1.4 (b) and (d)

¶1. (C) Poland will abstain on Serbia's UNGA resolution to refer a question on the legality of Kosovo's independence to the International Court of Justice (ICJ), according to MFA Political Director Witold Sobkow. In response to reftel demarche, Sobkow, who is responsible for EU foreign policy and security issues, told the DCM October 6 that Poland agrees with the U.S. position on the legality of Kosovo independence and the need to show support for Kosovo. Warsaw also generally shares U.S. views on the negative impact a prolonged ICJ consideration will have on attempts to broaden recognition of Kosovo's independence. However, discussions within the EU obviously have been contentious, leading Poland to its decision to abstain, given the high likelihood that the EU will not adopt a common position.

¶2. (C) Sobkow discussed thinking within the EU, pointing to two schools of thought. On the one hand, Poland and the EU have long encouraged Serbia to adhere to the rule of law, and in this respect, Belgrade had the right in principle to seek an ICJ ruling. On the other hand, it is also important to continue to urge the Serbs to move on and to resolve differences over Kosovo's independence peacefully.

¶3. (C) Sobkow noted that the EU had discussed the issue many times, most recently on the margins of the UNGA in New York. The French EU Presidency continues to hope Belgrade will withdraw their UNGA resolution, but this seems unlikely. Sobkow commented that the Serbs appear to be using the resolution to take some domestic heat off of the Kosovo issue by kicking it into another fora. This, the thinking goes, might in turn give the government some breathing room to be more forward leaning on the EU's agenda. An outright negative vote on the ICJ resolution, might undermine ongoing efforts to encourage a shift in Belgrade's broader position. According to Sobkow, some in the EU hoped that by abstaining on the ICJ resolution Belgrade would accept deployment of EU monitors throughout Kosovo, including northern Kosovo, along the lines of the French Presidency proposal. At a minimum, the EU hoped to get "something" from Serbia in return for an abstention.
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